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Bureau of Special Education FY'13 Memo #22

Date: June 13, 2013

TO: Superintendents of Schools
Directors of Special Education
Business Administrators

FROM: Office of the Commissioner

Division of Instruction
Bureau of Special Education

RE: NHSEIS Data Reporting Requirements:
Educational Environments (Settings) and Indicator 5 for Students with IEPs aged 6-21

The NH Department of Education (NHDOE), Bureau of Special Education is providing the attached Question and Answer document to assist districts with data reporting requirements in NHSEIS regarding educational environments for students with IEPs ages 6-21. Questions regarding Indicator 5: LRE for Students 6-21 are also addressed in this document. Please refer to FY'13 Memo #9, released on October 15, 2012, for information on NHSEIS data requirements for children with IEPs ages 3-5.

The Department would like to thank the NHSEIS stakeholder group for their assistance and input with the development of this document.

For additional information, please contact Ruth Littlefield at ruth.littlefield@doe.nh.gov or 271-2178.

RL:BJR

Questions and Answer Regarding NHSEIS Data Reporting Requirements: Educational Environments and Indicator 5 for Students with IEPs aged 6-21

Educational Environments (Settings) for students with IEPs ages 6-21

- **What is an educational environment or setting?**

The educational environment or setting is the type or category of environment in which the student receives special education and related services. The NHDOE reports annually to the USDOE Office of Special Education Programs (OSEP) on the educational environments in which children with disabilities receive their special education and related services.

- **What are the settings (as listed in NHSEIS) for students with IEPs ages 6-21?**

The settings are:

- Regular Education Setting
- Special Education Setting
- Correctional Facility
- Homebound/Hospital Based
- Residential School
- Separate School

- **Why are these settings different than the settings listed for children ages 3-5?**

Federal reporting requires States to use different terms, definitions and calculations for reporting on the educational environments (settings) for children with disabilities. These are collected in NHSEIS consistent with federal requirements (based on the age of the child not the grade). Please refer to FY'13 Memo #9 for information on children with IEPs ages 3-5.

- **When does an IEP team need to indicate the setting(s) in NHSEIS?**

The IEP team needs to indicate the setting when entering: custom special education services, special education services and related services. The IEP team also needs to indicate the setting when entering a program placement.

- **How do I enter a setting into NHSEIS for a student who turns 6 years old during an IEP period?**

When entering a service into NHSEIS for a five year old child who will turn six in the duration of the IEP, a service must be entered twice. The service will be entered once for the period of time when the child is 5 (reflecting 3-5 settings) and once for when the child is 6 (with settings for 6-21 year olds). The settings for Program Placement must also be entered twice, reflecting the 3-5 year old early childhood setting for the 5 year old and the regular education setting once the child turns six. The drop down menu has the available setting options.

The setting for a student age 5 turning 6 during the IEP period who is receiving a service in a kindergarten classroom should be entered as follows:

Example: IEP 2/28/2013-2/27/2014 Student age 5, turns 6 on 9/15/2013.

Special Education (or Related) Service 2/28/13-9/14/13 setting = 3-5 Early childhood pgn

Special Education (or Related) Service 9/15/13-2/27/14 setting = Regular Ed Setting

- **Do I need to amend an IEP that was finalized before the NHSEIS change (based on OSEP guidance) regarding children who turn six during an IEP period?**

No, it is not mandated to amend an IEP that was finalized before the NHSEIS change made in March 2013. The NHDOE understands this change will be fully implemented for purposes of federal reporting for the October 1, 2014 data collection. Should a district choose to amend a current IEP to reflect OSEP guidance, the IEP will need to be amended to reflect that as a 5 year old, the child is in a 3-5 early childhood setting and as of age six the child is in a 6-21 setting. The amendment must be in accordance with the NH Rules for Children with disabilities and should be completed prior to October 1, 2013.

Regular Educational setting

- **What does IDEA say about where children with IEPs will be educated?**

CFR 300.114 (2) (i): To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled.

- **What does IDEA say about when to remove a child with an IEP from the regular education environment?**

CFR 300.114 (2) (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- **When does an IEP team select the regular educational setting in NHSEIS?**

The IEP team selects the regular educational setting when the team agrees that a student will receive a special education or related service in an age-appropriate setting that includes students with and without disabilities such as the student's regular class environment.

- **What setting should be selected when the IEP team decides the special education or related service will be provided in a lunch, recess or study period?**

The regular educational setting should be selected when the special education or related service will be provided in a lunch, recess or study period unless the student is segregated from students without disabilities during that time.

- **What setting should be selected when the IEP team decides that the student will receive special education and/or related services while participating in a vocational or other community based program?**

The regular educational setting should be selected when the student receives special education and/or related services in an age-appropriate setting that includes students with and without disabilities, including vocational and other community based programs.

Special Education setting

- **When does the IEP team select special education setting in NHSEIS?**

The IEP team selects "special education" as the setting when the team decides that a student must be removed from the regular education environment to receive their special education and/or related services and the student is in the public school setting but has been segregated from students without disabilities.

Correctional Facility

- **When does the IEP team select Correctional Facility as the setting in NHSEIS?**

The IEP team selects Correctional Facility when a student receives special education in a short-term detention facility (community-based or residential) or correctional facilities.

Homebound/Hospital Based

- **When does the IEP team select the Homebound/Hospital Based setting in NHSEIS?**

This is selected when the team determines a student will receive special education or related services in hospital programs or homebound programs.

- **Does this include a student aged 6-21 who receives home instruction?**

Yes, this includes a student who receives home instruction consistent with ED 1111.05. It does not include parent-designed home education programs as authorized in ED 315.

Residential School

- **When does an IEP team select the Residential School setting in NHSEIS?**

The IEP selects this setting when a student lives in public or private residential facilities during the school week and receives special education and/or related services in that facility. This includes public and private residential schools for students with disabilities.

Separate School

- **When does an IEP team select the Separate School setting in NHSEIS?**

The IEP team selects this setting when the team determines that a student at a public or private separate day school facilities (approved nonpublic special education programs) is the appropriate setting for a student to receive a special education or related service. This can also include residential facilities if the student does not live at the facility.

Service Provider Location

- **When does the IEP team select Service Provider Location as a setting for students aged 6-21?**

Based on recent guidance regarding federal data collections, it has been determined that Service Provider Location should only be used for children with IEPs ages 3-5. The federal data collection does not recognize Service Provider Location for students 6-21 and therefore should not be used as a setting in NHSEIS for this age group.

- **Does a finalized IEP for a student ages 6-21 with Service Provider Location listed as a setting need to be amended?**

No. IEPs that have already been finalized do not need to be changed. Districts should discontinue the use of Service Provider Location on IEPs for students' aged 6-21 as new IEPs are developed.

State Performance Plan Indicator 5: School Aged Least Restrictive Environment

- **What is Indicator 5 of the Special Education State Performance Plan?**

Indicator 5 (Least Restrictive Environment) measures the percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

- **Does a district need to calculate the percentage of time in a regular class?**

No, the NHDOE calculates the percentage. The district needs to be sure the data (settings, length of day, etc.) are entered correctly into NHSEIS.

- **When are the data for Indicator 5 data collected?**

These data are based on the data in NHSEIS on October 1st of each year.

- **Does the data for Indicator 5 get publically reported at the district level?**

Yes. These data are disaggregated at the district level and compared to State performance in the Annual Performance Report and targets from the State Performance Plan. This is posted each spring, within 120 days from the submission of the Annual Performance Report.

- **What data does the NHDOE use when calculating the percent of time in the regular classroom?**

The NHDOE uses a number of district entered data points from NHSEIS to calculate the amount of time a student was in the regular class including the:

- Type of service;
- Setting in which the service was to be provided;
- Length of time for the service; and
- Length of the school day for the student.

- **How does the NHDOE calculate how much time a student with an IEP aged 6-21 is in the regular classroom?**

The NHDOE calculates the amount of time the child was inside the regular class by taking the length of the school day less the time the child was in a special education setting. In other words, if the length of the school day for a child was 6 hours and the child had 1 hour of services in a special education setting, the child was considered to be in the regular class for 5 hours a day or 83.33% of the time.

- **How does the NHDOE determine the Length of Day?**

The district establishes the Length of Day for each student. The length of day defaults to the length of day for the school as entered by the district but can be adjusted based on the length of day for the individual child.

- **What should an IEP team include in the Length of Day for a student with an IEP aged 6-21?**

Length of Day includes the total number of hours in the student's school day, in both regular education and special education settings. It includes lunch, recess and study periods.

Educational time spent in age-appropriate community-based settings that include individuals with and without disabilities, such as college campuses or vocational sites.

- **Does the amount of time in a special education setting include time when the child is receiving transportation?**

No. The NHDOE data analysis to determine the amount of time the child is in special education setting for Indicator 5 does not include time when a child was receiving transportation, in a regular education class, or overlapping services.